

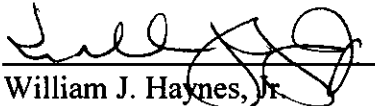
To state a claim under § 1983, Plaintiff must allege and show: 1) that he was deprived of a right secured by the Constitution or laws of the United States; and 2) that the deprivation was caused by a person acting under color of state law. *Flagg Bros. v. Brooks*, 436 U.S. 149, 155-56 (1978); *Black v. Barberton Citizens Hosp.*, 134 F.3d 1265, 1267 (6th Cir. 1998). Both parts of this two-part test must be satisfied to support a claim under § 1983. *See Christy v. Randlett*, 932 F.2d 502, 504 (6th Cir. 1991).

For a violation of this constitutional right, Plaintiff must allege that the defendants were deliberately indifferent to his serious medical needs. *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). "Deliberate indifference" is the reckless disregard of a substantial risk of serious harm; mere negligence, or even gross negligence, will not suffice. *Farmer v. Brennan*, 511 U.S. 825, 835-36 (1994).

As to Plaintiff's claims against the Defendants in their official capacities, the real party in interest is the governmental entity, Dickson County. *Hafer v. Mels*, 502 U.S. 21, 25-26 (1991). Under such circumstances, the violation of Plaintiff's constitutional rights must arise from a County policy, regulation, decision, custom, or the tolerance of a custom of such violations. *City of Canton, Ohio v. Harris*, 489 U.S. 378, 385 (1989). Plaintiff neither alleges, nor can it be liberally construed from the complaint, that any County policy, regulation, decision, custom, or tolerance of a custom of such violations was responsible for the alleged violations of his constitutional rights. Accordingly, Plaintiff's claims against Dr. Jackson and Sheriff Wall, in their official capacities, should be dismissed for failure to state a claim upon which relief may be granted.

Plaintiff's claims against Dr. Jackson in his individual capacity do state a claim for relief. Process shall issue to the Defendant Dr. Jackson.

An appropriate order is filed herewith.


William J. Haynes, Jr.
United States District Judge
2-25-09